

(H. B. 348)

(No. 95)

(Approved August 26, 2005)

AN ACT

To amend Section 9, subsection B(14) of Act No. 416 of September 22, 2004, to add the definitions of refrigerants and refrigeration equipment.

STATEMENT OF MOTIVES

Act No. 416 of September 22, 2004, known as the Environmental Public Policy Act of 2004, in Section 9, subsection B (14), provides for the control over the release of substances that are a considerable environmental risk into the environment by restricting the handling of those substances exclusively to refrigeration and air conditioning technicians. It further provides that the sale of refrigerants, as well as the installation and discharge thereof into refrigeration and air conditioning equipment shall be restricted to members of the College of Refrigeration Technicians who are duly licensed and certified by the federal Environmental Protection Agency. It also establishes the penalties entailed by the failure to comply with these provisions.

However, the terms used in the aforementioned law do not clearly define which substances are included in its provisions, which establishes the need to name them specifically. Therefore, this Legislature amends this statute to update the corresponding definitions and specify the meaning of refrigerants, refrigeration equipment and air conditioners, as well as the definition of refrigeration technician and certified engineer.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- Section 9, subsection B(14) of Act No. 416 of September 22, 2004, is hereby amended by adding a new clause (1) to read as follows:

“Section 9- Powers and Duties

A. ...

B. Under the authority conferred to its Governing Board, pursuant to the requirements, guidelines, rules and instructions thereof and the provisions in Section 8(B) of this Act, the Environmental Quality Board shall have the following duties, powers and additional functions:

1. ...

...

14. The Environmental Research Laboratory of Puerto Rico

a. ...

...

1. For purposes of the provisions of this clause, these terms shall have the following meaning:

1) Refrigerants mean any chemical compound used in refrigeration or air conditioning systems as a thermal transfer medium. This includes, but is not limited to, any compound containing chlorofluorocarbons (CFCs), hydrofluorocarbons (HFCs), halogens, tetrachlorocarbons, dichlorodifluoromethane, trichlorofluoromethane, monochloropentafluoromethane and any other substance, organic or non-organic, of any nature or

brand which has the effect of reducing the ozone layer, as well as those substitute compounds used to accomplish the same purposes therein or in similar equipment.

- 2) Refrigeration and air condition equipment means machines or systems designed to reduce the temperature in a space by means of thermal transfer based upon the compression and expansion of refrigerants.”
- 3) Certified Engineer means a person who is a member of the college and duly qualified and licensed to practice the engineering profession in Puerto Rico and who has approved the examination administered by the Federal Environmental Protection Agency pursuant to Sections 608 and 609 of the Federal Clean Air Act.
- 4) Refrigeration and air conditioning technician means any person authorized to practice the profession of refrigeration and air conditioning technician in the Commonwealth of Puerto Rico, pursuant to Act No. 35 of May 20, 1970, as amended, who is a member of the association and is up to date in the payment of dues.”

Section 2.-This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 95 (H.B. 348) of the 1st Session of the 15th Legislature of Puerto Rico:

AN ACT to amend Section 9, subsection B(14) of Act No. 416 of September 22, 2004, to add the definitions of refrigerants and refrigeration equipment,

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, today 1st of February of 2006.

Francisco J. Domenech
Director